

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **09/16/2009**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Dave Loppnow**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school finance**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **dave.lopepnow@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### **Pre Topic:**

No specific pre topic given

---

### **Topic:**

Carryover of unused revenue limit authority

---

### **Instructions:**

See attached

---

### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 09/16/2009	kfollett 09/17/2009		_____			S&L
/1	pgrant 09/24/2009	kfollett 09/24/2009	phenry 09/17/2009	_____	sbasford 09/17/2009		S&L
/2			jfrantze 09/24/2009	_____	sbasford 09/24/2009	mbarman 09/24/2009	

FE Sent For:

at intro  
10/1

<END>

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/2			jfrantze 09/24/2009		sbasford 09/24/2009		

for Senate  
& send to  
Sen. Jauch  
per PG

FE Sent For:

**<END>**

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/1		12/5f 9/24	phenry 09/17/2009		sbasford 09/17/2009		
FE Sent For:			9/24 JK	9/24 ph/md <END>			

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/?	pgrant	11/5f 9/17	pk 9/17	Jeffrey 9/17			

FE Sent For:

**<END>**

5/16/09

for LFB

all existing law  
8.9 a 9.12  
law is changed to  
10.10 to 11-12

S:\dl\carry forward

Modify 121.91(4) to add

(m) If a school district does not set its levy to fully use the adjustment, if any, provided under 121.91(4)(d) in 2009-10, the school district's revenue limit in 2010-11 is increased by the unused portion of that adjustment.

(n) If a school district does not set its levy to fully use the adjustment, if any, provided under 121.91 (4)(d) or 121.91(m) in 2010-11, the school district's revenue limit in 2011-12 is increased by the unused portion of these adjustments.

**BILL**

Date (time)  
needed

Monday

LRB - 34571 1  
PG : gf:

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** allowing a school district to  
carry over to the following school year  
unused revenue limit authority

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create → anal: → title: → head**

For the subheading, execute: . . . . . **create → anal: → title: → sub**

For the sub-subheading, execute: . . . . . **create → anal: → title: → sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create → anal: → text**

(attached)

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

**SECTION #.**



2003

Nonstat File Sequence: **AAA**

LRB \_\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_ : \_\_\_\_\_ : \_\_\_\_\_

**NONSTAT SESSLAW**

1. In the component bar:

For the action phrase, execute: ..... **create → action: → \*NS: → nonstat**

For the budget action phrase, execute: ..... **create → action: → \*NS: → 91XX**

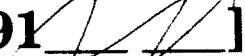
For a subsection, execute: ..... **create → text: → \*NS: → sub**

For a paragraph, execute: ..... **create → text: → \*NS: → par**

For a subdivision, execute: ..... **create → text: → \*NS: → subd**

For a subdivision paragraph, execute: ..... **create → text: → \*NS: → subpar**

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

**SECTION #** \_\_\_\_\_ **[91**  **].**    **Nonstatutory provisions; ...**

.....

( #1 ) (    ) .....

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

NS: sub → <sup>create autoref</sup> (1) If a school district's revenue in the 2008-09 school year was less than its limit under section 121.91 (2m) of the statutes in the 2008-09 school year, and the school district did not fully utilize the increase in its limit provided in section 121.91 (4) (d) of the statutes for the 2009-10 school year, the school district's revenue limit for the 2010-11 school year is increased by an amount equal to the unused portion of the increase provided under section 121.91 (4) (d) of the statutes.

INS  
A

NS: par → (a) The school district's revenue in the 2009-10 school year <sup>was</sup> (15) less than its limit under section 121.91 (2m) of the statutes in the

## STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2009-10 school year, and the school district did not fully utilize the increase in its limit provided in section 121.91

(4)(d) of the statutes for the 2010-11 school year. <sup>NS: par</sup> (b) Subsection (b) applied

to the school district's limit for the

and 2010-11 school year and the school

district did not fully utilize the increase

in its limit provided under subsection (1). <sup>ad.</sup>

NS: sub (b) If either of the following applies to a school district, the school district's revenue limit for the

2011-12 school year is increased by an

amount equal to the sum of the unused portions of the increases provided

under section 121.91, (4)(d) of the statutes

and subsection (1): <sup>ad.</sup>

End

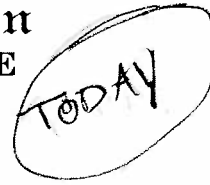
ANALYSIS

Under current law, if a school district's revenue <sup>in</sup> the previous school year was less than the school district's revenue limit in that school year, the school district's revenue limit in the current school year is increased by the difference between its revenue in the previous school year and its revenue limit in the previous school year. This revenue limit adjustment is <sup>only</sup> available to a school district for one year; the <sup>district</sup> cannot use it in consecutive school years.

This bill provides that if a school district qualified for <sup>this adjustment</sup> in the 2009-10 school year, but did not fully utilize

the revenue limit increase in that school year, the school district's revenue limit for the 2010-11 school year is increased by the unused portion of the increase.

Similarly, the bill provides that if a school district <sup>is eligible for</sup> ~~does~~ not fully utilize the revenue authority <sup>carryover</sup> ~~carryover~~ provided for under <sup>current</sup> ~~current~~ law in the succeeding school year (2010-11), or if a school district does not fully utilize <sup>the</sup> ~~its~~ revenue authority ~~carryover~~ provided in this bill for the 2010-11 school year, its revenue limit for the 2011-12 school year is increased by the sum of the unused portions of the increases.



## 2009 BILL

Regen

- 1 **AN ACT relating to:** allowing a school district to carry over unused revenue limit  
2 authority to the following school year.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, if a school district's revenue in the previous school year was less than the school district's revenue limit in that school year, the school district's revenue limit in the current school year is increased by the difference between its revenue in the previous school year and its revenue limit in the previous school year. This revenue limit adjustment is only available to a school district for one year; the district cannot use it in consecutive school years.

This bill provides that if a school district qualified for this adjustment in the 2009-10 school year, but did not fully utilize the revenue limit increase in that school year, the school district's revenue limit for the 2010-11 school year is increased by the unused portion of the increase.

Similarly, the bill provides that if a school district is eligible for but does not fully utilize the revenue authority carryover provided for under current law in the succeeding school year (2010-11), or if a school district does not fully utilize the revenue authority carryover provided in this bill for the 2010-11 school year, its revenue limit for the 2011-12 school year is increased by the sum of the unused portions of the increases.

**BILL**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       **SECTION 1. Nonstatutory provisions.**

2       ← create auto ref (a)

3       (1) If a school district's revenue in the 2008–09 school year was less than its  
4       limit under section 121.91 (2m) of the statutes in the 2008–09 school year, and the  
5       school district did not fully utilize the increase in its limit provided in section 121.91  
6       (4) (d) of the statutes for the 2009–10 school year, the school district's revenue limit  
7       for the 2010–11 school year is increased by an amount equal to the unused portion  
8       of the increase provided under section 121.91 (4) (d) of the statutes.

9       ✓ create auto ref (b)

10       (2) If either of the following applies to a school district, the school district's  
11       revenue limit for the 2011–12 school year is increased by an amount equal to the sum  
12       of the unused portions of the increases provided under section 121.91 (4) (d) of the  
13       statutes and subsection (1):

14       (a) The school district's revenue in the 2009–10 school year was less than its  
15       limit under section 121.91 (2m) of the statutes in the 2009–10 school year, and the  
16       school district did not fully utilize the increase in its limit provided in section 121.91  
17       (4) (d) of the statutes for the 2010–11 school year.

18       (b) Subsection (1) applied to the school district's limit for the 2010–11 school  
19       year and the school district did not fully utilize the increase in its limit provided  
20       under subsection (1).

(END)



**Grant, Peter**

**From:** Loppnow, Dave  
**Sent:** Thursday, September 24, 2009 10:38 AM  
**To:** Grant, Peter  
**Subject:** RE: Language OK?

Peter,

Thanks for sending this. My suggestion would be to replace the word "excess" in lines 1 and 2 with the word "unused". I think that subsection (1) or (2) are dealing with unused revenue limit authority, so the word unused seems more descriptive. However, you may be using excess so that it fits better with 121.91(7)?

I like the reference to 121.91(7), since that controls the treatment of the base for the following year; that's a better approach than what I was thinking about.

Thanks, Dave

---

**From:** Grant, Peter  
**Sent:** Thursday, September 24, 2009 9:57 AM  
**To:** Loppnow, Dave  
**Subject:** Language OK?

In order to expedite this redraft, I thought I'd show you my language before it becomes official so you can correct it now instead of later. Let me know what you think of this:

(3) For the purpose of section 121.91 (7) of the statutes, as affected by 2009 Wisconsin Act 28, if any ~~excess~~ revenue under subsection (1) or (2) is attributable to a nonrecurring purpose, it shall be treated in the school year in which it is used as if it had been approved for that nonrecurring purpose; and if any ~~excess~~ revenue under subsection (1) or (2) is attributable to a recurring purpose, it shall be treated in the school year in which it is used as if it had been approved for that recurring purpose.

~~Peter~~

Ehl



is attributable to a nonrecurring purpose, it

(3) If a school district's revenue limit is increased under subsection (1) or (2), the excess revenue shall be treated in the school year in which it is used as if it had been ~~approved~~ approved for that nonrecurring purpose under subsection (1) or (2) and if any unused revenue is attributable to a recurring purpose, it shall be treated in the school year in which it is used as if it had been approved for that recurring purpose.

(End)

a.r. (a)

a.r. (b)

# (3) For the purpose of section 121.91 (7) of the statutes, as affected by 2009 Wisconsin Act 28, if any unused revenue under subsection (1) or (2) is attributable to a nonrecurring purpose, it shall be treated in the school